

**ORDINANCE AMENDING CHAPTER 11 SECTION 38 OF THE HICKORY  
CODE OF ORDINANCES**

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**WHEREAS**, Chapter 11 of the Hickory City concerns Fire Prevention and Section 38 of that section sets for the requirements for obtaining, among other things, burning permits; and

**WHEREAS**, City staff has determined it would be beneficial to allow permits for open burnings of residential yard debris within Hickory's extra territorial jurisdiction to be issued by the North Carolina Department of Forestry or one of their authorized burning permit agents; and

**WHEREAS**, the City Council hereby desires to amend those regulations found in Chapter 11 Section 38 of the Hickory Code of Ordinances to allow permits to be issued for the burning of residential yard debris from other entities and organizations; and

**WHEREAS**, the above-mentioned entities and organizations will enable individuals living within the Extraterritorial Jurisdiction of the City of Hickory to more easily obtain such a permit; and

**WHEREAS**, the revisions to Chapter 11, Section 38(c) of the Hickory City Code as suggested by Staff and/or directed by the Hickory City Council have been incorporated herein.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:**

Section 1. Section 11-38(c) of the Hickory City Code shall be amended as follows:

- (c) An operational permit must be obtained from the city fire prevention bureau for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground.
  - (1) An operational permit is not required for recreational burning as defined by the current edition of the North Carolina Fire Code, as amended.
  - (2) All open burning shall be conducted in accordance with the North Carolina Fire Code.

- (3) No open burning may occur at any time that the North Carolina Department of Forestry has determined that such burning would pose a potential hazard to the health, safety or well being of the residents of the State of North Carolina.
- (4) No operational permit may be issued, nor shall any open burning occur, in violation of any regulation, rule, edict or directive issued by any regulatory body of the State of North Carolina or the United States of America.
- (5) The North Carolina Department of Forestry or one of their authorized burning permit agents can issue open burning permits for residential yard debris for individuals provided they reside within the Extraterritorial Jurisdiction of the City of Hickory and the open burning takes place on their property.

Section 2. Repealed.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 3. Effective Date.

This Ordinance shall become effective immediately upon adoption.